

1 BILL NO. G-84- 12-16

2 GENERAL ORDINANCE NO. G-Withdrawn

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating an alley thereof.

6 WHEREAS, a petition to vacate a public alley within the City
7 of Fort Wayne (as more specifically described below) was duly filed with
8 the City Planning Commission; and,

9 WHEREAS, said Commission duly held a public hearing thereon; and,

10 WHEREAS, said Commission has duly forwarded its recommendation to
11 this body approving said petition, all in accordance with I.C. 36-7-4-512(2)
12 and this body having held a public hearing on said vacation as provided
13 in I.C. 36-7-3-12; and,

14 WHEREAS, this body concurs in the recommendation of the City
15 Planning Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
17 CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate a public
19 alley within the City of Fort Wayne, more specifically described as follow,
20 to-wit:

21 The portion of that certain 12 foot north-south alley
22 which is bounded on the West by Lot 14 of Simon's
23 Addition to the City of Fort Wayne, and by Lots 19 and
24 20 of Lanternier's Addition to the City of Fort Wayne,
25 and which said alley is bounded on the East by Lot 15
26 of Simon's Addition to the City of Fort Wayne and by Lots
27 17 and 18 of Lanternier's Addition to the City of
28 Fort Wayne (hereinafter referred to as the Alley);

29 and which vacating amends the Thoroughfare Plan of the City Comprehensive
("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage, any and all necessary approval by the Mayor.

Janet G. Bradburn

1 Bill No. G-84-

2 Page two

3
4 ** Public hearing to be held on _____, the _____
5 day of _____, 198__, in the Council
6 Chambers.

7
8 _____
9 Sandra E. Kennedy, City Clerk
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SANDRA E. KENNEDY, CITY CLERK

SANDRA E. KENNEDY, CITY CLERK

(SEAL)

PRESIDING OFFICER

SANDRA E. KENNEDY, CITY CLERK

WIN MOSES, JR., MAYOR

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE THE CITY PLAN COMMISSION
OF THE CITY OF FORT WAYNE, INDIANA,
AND THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA

PETITION TO VACATE ALLEY

MIDWEST PIPE & STEEL, INC., an Indiana corporation ("Midwest"),
does hereby respectfully petition the Fort Wayne City Plan Commission
and the Common Council of the City of Fort Wayne, Indiana, to vacate
that certain public alley located within the City of Fort Wayne, Allen
County, Indiana, and described as follows:

The portion of that certain 12 foot north-south alley
which is bounded on the West by Lot 14 of Simon's
Addition to the City of Fort Wayne, and by Lots 19 and
20 of Lanternier's Addition to the City of Fort Wayne,
and which said alley is bounded on the East by Lot 15 of
Simon's Addition to the City of Fort Wayne and by Lots
17 and 18 of Lanternier's Addition to the City of
Fort Wayne (hereinafter referred to as the Alley);

The Alley is reflected and shown on the site plan attached
hereto and made a part hereof by reference.

In support of this Petition to Vacate Alley, Midwest represents
as follows:

1. Midwest is the fee simple owner of all real estate bordering
on both sides of the Alley to be vacated hereunder.
2. The Alley sought to be vacated under this Petition is not
necessary for purposes of ingress or egress to other properties whatsoever,
and the Alley is not improved by paving.
3. Midwest intends to incorporate the vacated Alley with
the adjoining lots owned by Midwest for use as a parking lot for Midwest's
business located on the west side of Winter Street; the use of such property
for parking purposes will reduce on-street parking by employees and customers
of Midwest.
4. There may be existing utilities located within or upon the
Alley to be vacated hereunder; however, such vacation may be made subject
to all existing utility easements and to the rights of the City of Fort Wayne

or other utility companies having utilities located within such easement for purposes of ingress or egress over the property of Midwest for the purposes of servicing such utilities.

5. The maintenance of the Alley is not necessary or advantageous to the growth of the City of Fort Wayne, and it will be in the best interests of the City of Fort Wayne and its residents to vacate the Alley under this Petition, permitting improvement by Midwest as specified in Paragraph 3 above.

6. Midwest has filed this Petition pursuant to the authority granted under Indiana Code §36-7-4-512 in order to complete the vacation as hereinabove described.

WHEREFORE, the undersigned Midwest herein prays that the above-described Alley be vacated in accordance with the provisions of applicable law pertaining thereto, and for all other proper relief.

Dated, this 25 day of September, 1984.

MIDWEST PIPE & STEEL, INC.

By

Jerome F. Henry, Jr.
Jerome F. Henry, Jr., President

Petitioner's Address:

1702 Winter Street

P. O. Box 11572

Fort Wayne, Indiana 46859

(219) 422-6541

ATTORNEYS FOR PETITIONER:

SHOAFF, PARKER & KEEGAN

By

Lawrence E. Shine
Lawrence E. Shine

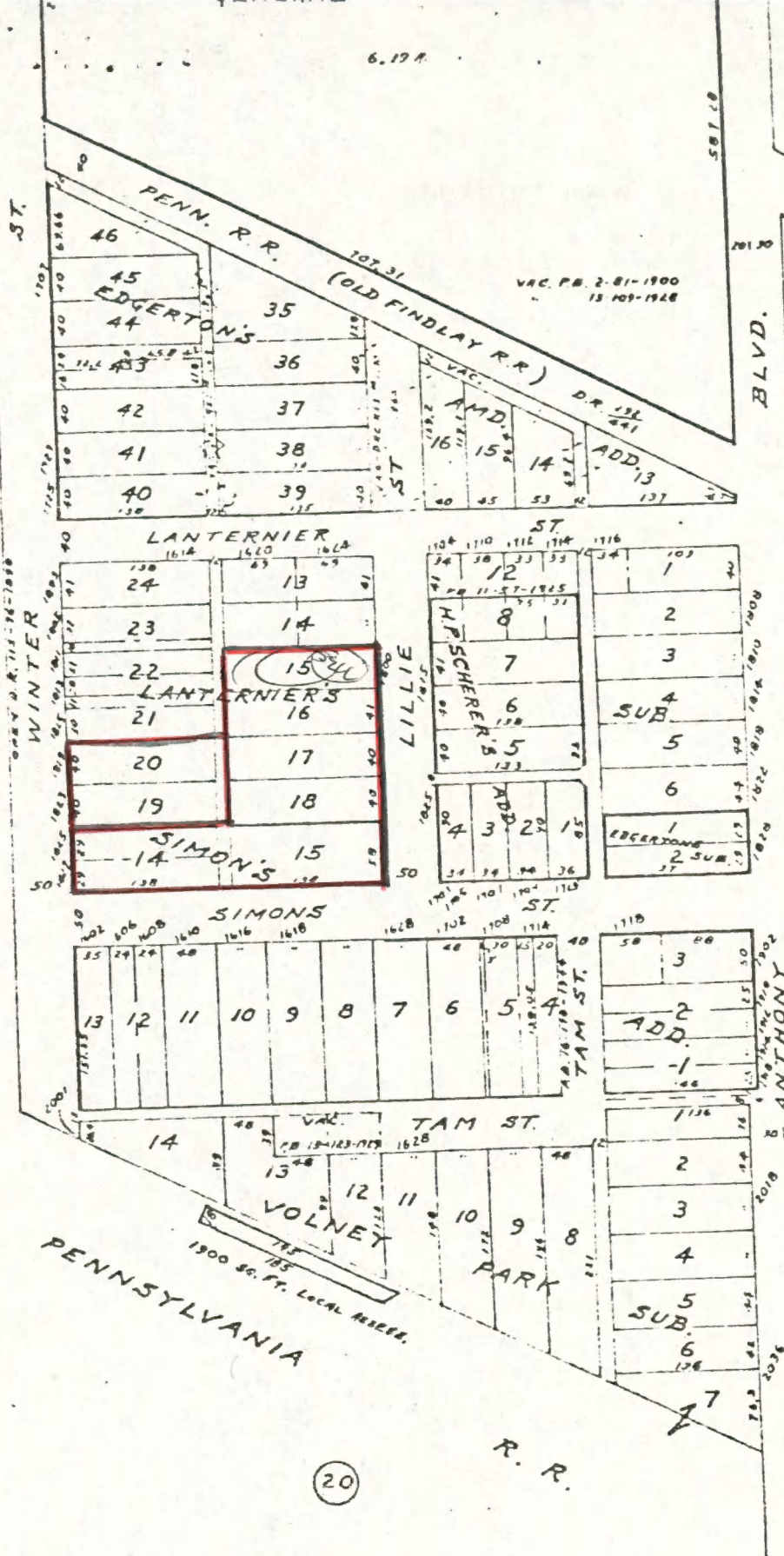
2400 Fort Wayne Bank Building

P. O. Box 12709

Fort Wayne, Indiana 46864

(219) 424-8000

6



8

19

20

LAW OFFICES
SHOAF, PARKER & KEEGAN

24TH FLOOR, FORT WAYNE NATIONAL BANK BUILDING

P.O. BOX 12709

FORT WAYNE, INDIANA 46864

(219) 424-6000

ROBERT Y. KEEGAN
MACLYN T. PARKER
ROBERT T. HOOVER
THOMAS M. SHOAF
DAVID B. KELLER
GEORGE T. DODD
N. REED SILLIMAN
THOMAS M. MOORHEAD
KENNETH M. WATERMAN
JOSEPH W. KIMMELL, II
DAVID A. SCOTT
LAWRENCE E. SHINE
JOHN R. BURNS, III
STEVEN H. HAZELRIGG
PAUL D. MATHIAS
ROBERT E. GRANT
MICHAEL L. JAMES
TIMOTHY W. MOSER
JON A. BOMBERGER

FRED B. SHOAF
1877-1961

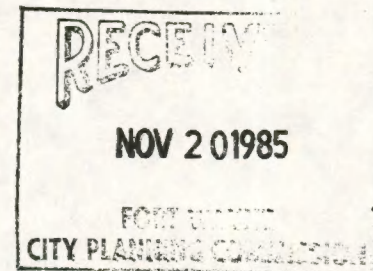
RICHARD F. BAIRD, JR.
1913-1979

JOHN D. SHOAF
1908-1982

CLIFFORD E. SIMON, JR.
1924-1984

FACSIMILE
(219) 422-5925

November 19, 1985



Mr. Wayne O'Brien
Department of Community
Development and Planning
City County Building
One Main Street
Fort Wayne, IN 46802

RE: Application of Midwest Pipe & Steel, Inc.
for Partial Vacation of Alley
(Bill No. G8-84-12-16)

Dear Mr. O'Brien:

I have been directed by our client, Midwest Pipe & Steel, Inc., to request the withdrawal of the above-referenced petition, which seeks the partial vacation of the north/south alley between Lanternier, Lillie & Simons Streets in Fort Wayne, Indiana.

Thank you for your cooperation in this matter.

Sincerely,

SHOAF, PARKER & KEEGAN

Lawrence E. Shine
Lawrence E. Shine

LES:bad

cc: Mr. Jerome F. Henry, Jr.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 11, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-85-12-16; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as require by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 10, 1984; and,

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 25, 1985.

Certified and signed this
27th day of November 1985.



Melvin O. Smith
Secretary

RIGINAL

DIGEST SHEET

ORIGINAL

9-84-12-16

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE North/South alley between Lanternier, Winter, Lillie and
Simons Street.

COUNCILMANIC DISTRICT #1

Adjacent Property Owners: Midwest Pipe & Steel

EFFECT OF PASSAGE Property is now public right-of-way. Property will be closed to
public and revert to adjacent property owners.

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

G-84-12-16

BILL NUMBER**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Alley Vacation Ordinance

DETAILS**Specific Location and/or Address**North-South alley between Lanternier, Winter,
Lillie and Simons Street.**Reason for Project**

WITHDRAWN AT REQUEST OF PETITIONER.

Discussion (Including relationship to other Council actions)**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Midwest Pipe & Steel, Inc.
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☐ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

<p>Project Name: _____</p> <p>Project Number: _____</p> <p>Project Location: _____</p> <p>Project Description: _____</p> <p>Project Status: _____</p> <p>Project Start Date: _____</p> <p>Project Completion Date: _____</p> <p>Project Budget: _____</p> <p>Project Funding Source: _____</p> <p>Project Sponsor: _____</p> <p>Project Manager: _____</p> <p>Project Team: _____</p> <p>Project Risks: _____</p> <p>Project Benefits: _____</p> <p>Project Impact: _____</p> <p>Project Evaluation: _____</p> <p>Project Review: _____</p> <p>Project Recommendations: _____</p>		<p>Project Start Date: _____</p> <p>Project Completion Date: _____</p> <p>Project Budget: _____</p> <p>Project Funding Source: _____</p> <p>Project Sponsor: _____</p> <p>Project Manager: _____</p> <p>Project Team: _____</p> <p>Project Risks: _____</p> <p>Project Benefits: _____</p> <p>Project Impact: _____</p> <p>Project Evaluation: _____</p> <p>Project Review: _____</p> <p>Project Recommendations: _____</p>	
		<p>Project Start Date: _____</p> <p>Project Completion Date: _____</p> <p>Project Budget: _____</p> <p>Project Funding Source: _____</p> <p>Project Sponsor: _____</p> <p>Project Manager: _____</p> <p>Project Team: _____</p> <p>Project Risks: _____</p> <p>Project Benefits: _____</p> <p>Project Impact: _____</p> <p>Project Evaluation: _____</p> <p>Project Review: _____</p> <p>Project Recommendations: _____</p>	

POLICY/ PROGRAM IMPACT

<p>Policy or Program Change</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes
	<p>_____</p>
	<p>_____</p>
<p>Operational Impact Assessment</p>	<p>_____</p>
	<p>_____</p>
	<p>_____</p>

(This space for further discussion)

Project Start

Date September 25, 1984

Projected Completion or Occupancy

Date November 27, 1985

Fact Sheet Prepared by

Date November 27, 1985

Patricia Biancaniello

Reviewed by

Date

Gary Burt
Reference or Case Number

11/27/85

RECEIPT

No 10790

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

9-25 1984

RECEIVED FROM

Shoaff, Park & Keegan
one hundred

\$100.00

THE SUM OF

100

DOLLARS

ON ACCOUNT OF

Alley Vacation

AUTHORIZED SIGNATURE

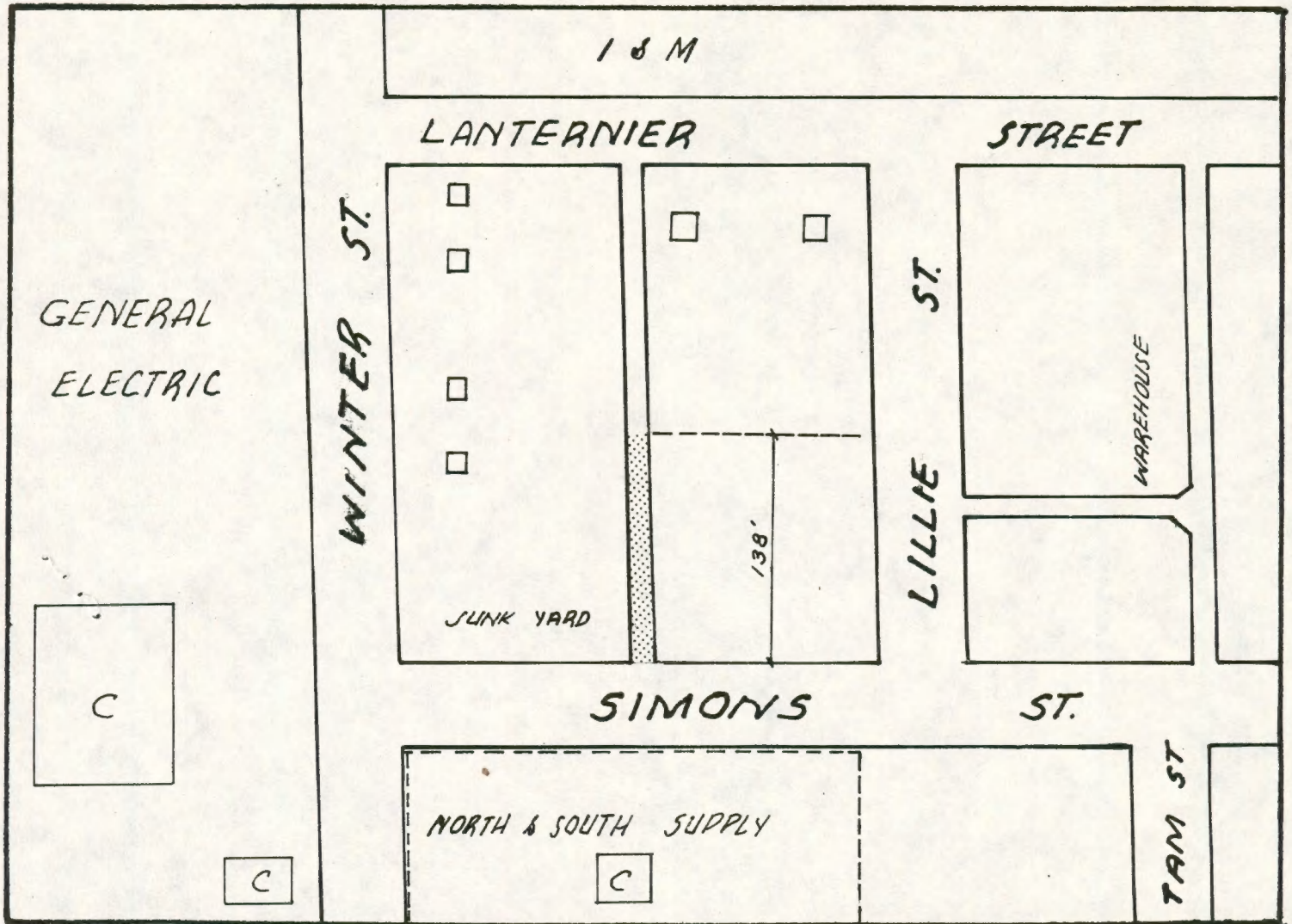
Pat B.

VACATION PETITION

#102

A PETITION TO VACATE THE DESCRIBED PORTION OF ALLEY.

MAP NO. #0-2



Zoning:

Land Use:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL

G-84-12-16

Scale: 1" = 100'

Date: 10-4-84



BILL NO. G-84-12-16

REPORT OF THE COMMITTEE ON REGULATIONS

Withdrawn

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the

Thoroughfare Plan of the City Comprehensive ("Master")

Plan by vacating an ally thereof.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION) _____ *Withdrawn (by petitioner)*

YES

NO

CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK